

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR04-178-MJP
)	
v.)	PROPOSED FINDINGS OF FACT
)	AND DETERMINATION AS TO
JOSHUA LEE COLLIER,)	ALLEGED VIOLATIONS OF
)	SUPERVISED RELEASE
Defendant.)	

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on January 14, 2011. The defendant appeared pursuant to warrant issued in this case. The United States was represented by Lisca Borichewski, and defendant was represented by Terrence Kellogg. Also present was U.S. Probation Officer Jennifer Van Flandern. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on September 9, 2005 by the Honorable Marsha J. Pechman for Conspiracy to Distribute Cocaine, Distribution of cocaine, and Conspiracy to Manufacture Marijuana. He received 60 months of detention and 5 years of supervised release.

On June 8, 2010, a warrant was issued after Mr. Collier failed to submit monthly reports and

1 failed to report to the probation office as directed. On July 7, 2010, the Court modified Mr.
2 Collier's term of supervised release and added the condition that he participate in a mental health
3 evaluation.

4 PRESENTLY ALLEGED VIOLATIONS

5 In a petition dated December 23, 2010, U.S. Probation Officer Jennifer Van Flandern
6 alleged that defendant violated the following conditions of supervised release:

7 1. Committing the crime of possession of methamphetamine on or about September 6, 2010,
8 in King County, Washington, in violation of the general condition that he not commit a federal,
9 state, or local crime.

10 2. Failing to notify the probation officer within 72 hours of his September 6, 2010 arrest for
11 possession of methamphetamine, in violation of standard condition number 11.

12 3. Failing to notify the probation officer within 72 hours of his December 20, 2010 arrest for
13 failing to appear in King County Superior Court related to his possession of methamphetamine,
14 in violation of standard condition number 11.

15 FINDINGS FOLLOWING EVIDENTIARY HEARING

16 The Court found defendant in violation of violation number 1 through stipulated records.
17 Defendant admitted to violation number 2, and the government withdrew violation number 3.
18 Defendant waived any hearing as to whether they occurred, and was informed the matter would
19 be set for a disposition hearing January 28, 2011 at 2:30 p.m. before District Judge Marsha J.
20 Pechman.

21 RECOMMENDED FINDINGS AND CONCLUSIONS

22 Based upon the foregoing, I recommend the court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 14th day of January, 2011.

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6 BRIAN A. TSUCHIDA
7 United States Magistrate Judge
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